

#	Subject	Summary of Change to <i>Common Manual</i>	Type of Update	Effective Date
1168	Required Information on the Default Aversion Assistance Request Form	<u>Figure 12-5</u> Figure 12-5 has been revised to include the specific names of the fields on the Default Aversion Assistance Request Form rather than descriptions of those fields.	Guarantor	Upon approval by the Governing Board.
1169	Required Information on Claim Form	<u>Figure 13-1</u> Figure 13-1 has been revised to include the specific names of the fields on the Claim Form rather than descriptions of those fields. In addition, new "Required" fields on to the Claim Form, which captures income-based repayment (IBR) information, have been added to the figure.	Guarantor	Upon approval by the Governing Board.
1170	Eligible Lender Trustee and School Acting as a Lender Annual Audit Clarification	<u>3.2</u> <u>Schools Acting as Lenders and Eligible Lender Trustee Relationships</u> <u>3.8.A</u> <u>Annual Compliance Audits</u> Stipulates that the required audit must be performed by a qualified independent organization or person.	Federal	First auditable period for the school as lender or eligible lender trustee that begins on or after August 14, 2008.
1171	Revised SCRA Provisions	<u>7.4.B.</u> <u>Reduced Stafford Interest Rates</u> <u>7.5.B</u> <u>Reduced PLUS Interest Rates</u> <u>10.9.B</u> <u>Reduced Interest Rates</u> <u>15.3.D</u> <u>Calculating the Interest Rate</u> Prohibits a lender from assessing additional charges or fees to a borrower who is subject to the provisions of the SCRA, to compensate for the difference between the otherwise applicable interest rate and the reduced rate that the lender is permitted to charge. States that the endorser is considered to be eligible to request and receive the reduced interest rate if the endorser signed the PLUS MPN Endorser Addendum prior to the start of his or her qualifying military service. Also clarifies when a loan is considered to be incurred in the case of a loan made with an endorser's signature or a Consolidation loan.	Federal	Loans for which the lender receives a servicemember's written request for the reduced interest rate that is effective on or after August 14, 2008, for periods of military service ending on or after that date.

1172	Repayment Disclosure Changes	<p><u>10.7</u> <u>Disclosing Repayment Terms Time Frame for Disclosure</u></p> <p><u>10.7.A</u></p> <p>Inserts the requirement that a lender disclose to a borrower that he or she is permitted to change his or her repayment plan selection at least annually. Also clarifies the time frame for a lender to provide the repayment disclosure to a PLUS borrower whose loan enters immediate deferment.</p>	Federal	Loans first disbursed on or after August 14, 2008, but no later than disclosures provided on or after July 1, 2010.
1173	Rehabilitation of Defaulted FFELP Loans	<p><u>13.7</u> <u>Rehabilitation of Defaulted FFELP Loans</u></p> <p>Clarifies that a defaulted Consolidation loan that includes a loan previously rehabilitated on or after August 14, 2008, is eligible for rehabilitation because the Consolidation loan is a new loan. Also states that upon purchase of a rehabilitated loan by an eligible lender, the guarantor or any other holder of the loan that previously reported it as a defaulted status must report to the national consumer reporting agency to which it reported the default states that such status is to be removed from the borrower's credit history, since the loan is now considered rehabilitated.</p>	Federal	<p>For Consolidation loan clarification: None.</p> <p>For notification time frames: Rehabilitation notifications received by the prior holder on or after July 1, 2010.</p>
1174	Managing Overawards	<p><u>8.6</u> <u>Managing Overawards</u></p> <p><u>Appendix G</u></p> <p>Clarifies that if the school determines an overaward exists, the school must contact the lender or guarantor to request an adjustment of any remaining loan disbursements. If all disbursements of a loan have been delivered to the student prior to the overaward, no adjustments are required. However, the school may need to adjust campus-based aid to offset the borrower's overaward. Additionally, the policy distinguishes between different overaward situations and incorporates the situations into the definition of overaward. An overaward can occur when any amount of a student's need-based aid exceeds the student's need, or when total estimated financial assistance (EFA) exceeds the student's cost of attendance (COA).</p>	Correction	Retroactive to implementation of the <i>Common Manual</i> .

COMMON MANUAL - GUARANTOR POLICY PROPOSAL

Date: December 18, 2009

X	DRAFT	Comments Due	Jan 8
	FINAL	Consider at GB meeting	
	APPROVED	with changes/no changes	

SUBJECT: Required Information on the Default Aversion Assistance Request Form

AFFECTED SECTIONS: Figure 12-5

POLICY INFORMATION: 1168/Batch 166

EFFECTIVE DATE/TRIGGER EVENT: Upon approval by the Governing Board.

BASIS:
None.

CURRENT POLICY:

Figure 12-5, "Information to Be Provided on the Default Aversion Assistance Request Form", includes descriptions of the fields on the form, divided into two categories: fields that must be completed ("Required") and fields that must be completed only if the applicable information is available ("If Available").

REVISED POLICY:

Figure 12-5 has been revised to include the specific names of the fields on the Default Aversion Assistance Request Form rather than descriptions of those fields.

REASON FOR CHANGE:

This figure is being revised to identify specific field names rather than field descriptions so the reader can easily distinguish "Required" and "If Available" fields. This figure also aligns with the updated Default Aversion Assistance Request Form released August 12, 2008.

PROPOSED LANGUAGE - COMMON MANUAL:

Revise Figure 12-5, page 19, to include only the name of the applicable Default Aversion Assistance Request Form fields and Default Aversion Assistance Request Form section names, as follows:

See attached figure. **Note: The figure has been provided in two versions: one that illustrates the proposed changes denoted by underscoring and strike-outs, and a separate version that illustrates how the figure would appear after the proposed changes.**

PROPOSED LANGUAGE - COMMON BULLETIN:

Required Information on the Default Aversion Assistance Request Form

Figure 12-5 has been revised to include the specific names of the fields on the Default Aversion Assistance Request Form rather than descriptions of those fields so that the reader can easily distinguish "Required" and "If Available" fields.

GUARANTOR COMMENTS:
None.

IMPLICATIONS:

Borrower:
None.

School:
None.

Lender/Servicer:
A lender may more easily distinguish the "Required" and "If Available" fields.

Guarantor:
None.

U.S. Department of Education:
None.

To be completed by the Policy Committee

POLICY CHANGE PROPOSED BY:

Default Aversion and Claims Standardization Subcommittee (DACs)

DATE SUBMITTED TO CM POLICY COMMITTEE:

November 9, 2009

DATE SUBMITTED TO CM GOVERNING BOARD FOR APPROVAL:

PROPOSAL DISTRIBUTED TO:

CM Policy Committee

CM Guarantor Designees

Interested Industry Groups and Others

sa/edited-kk

Information to Be Provided on the Default Aversion Assistance Request Form Figure 12-5

Item Description-Field Name	Required ¹	If Available ²
DEFAULT AVERSION INFORMATION		
Type of default aversion assistance requested (i.e., SK = skip assistance request, DF = default aversion assistance request for a borrower delinquent on monthly payments, DQ = default aversion assistance request for a borrower delinquent on payments due less frequently than monthly). <u>Default Aversion Type</u>	•	
Date the default aversion assistance request was generated. <u>Request Date</u>	•	
BORROWER INFORMATION		
Borrower's Social Security number (SSN). <u>Social Security #</u>	•	
Borrower's last name, first name, and middle initial. <u>Name (Last, First MI)</u>	•	
AKA (previous or alternative name used by the borrower).		•
Borrower's last-known complete address. <u>Address and Valid?</u>	•	
Validity of the borrower's address.	• —	
Effective date of the borrower's address. <u>Address Effective Date</u>		•
Borrower's home telephone number, work number, and other number. <u>Home #, Work #, Other #</u>		•
Validity of the borrower's telephone numbers. <u>Home #, Work #, Other #, and Valid?</u>	•	
Name, telephone number, and address of the borrower's place of employment. <u>Employer</u>		•
Name of the last-known eligible school attended by the borrower or attended by the student for a PLUS loan. <u>Last School Attended</u>	•	
<u>Code</u>		•
The out-of-school date. Stafford loans—the date the borrower ended enrollment on at least a half-time basis, before any grace period and the initial conversion of the loan to repayment. PLUS/SLS loans—the date the student or borrower ceased eligibility for an in-school deferment (for immediately deferred loans only). Consolidation loans and PLUS/SLS loans not immediately deferred—the date of the last disbursement. For Consolidation loans, the latest disbursement date on the beginning loan balance should be used if the lender did not establish a new due date when an add-on was accomplished. If the lender did establish a new due date with the add-on loan, the disbursement date for the add-on should be provided. <u>OSD</u>		•
Six or eight-digit code assigned by the Department of the last-known eligible school attended by the borrower.	• —	
REFERENCE INFORMATION		
Address and last name, first name, and middle initial of two references. <u>Name and Address</u>	• ³	
Validity of the address for each reference. <u>Valid?</u>	•	
Relationship of each reference to the borrower (i.e., E = employer, F = friend, G = guardian, O = other, P = parent, R = relative, S = sibling, M = spouse, or N = not available).		•
Home telephone number and other numbers for each reference. <u>Home #, Other #</u>		•
Validity of the telephone numbers for each reference. <u>Home #, Other, and Valid?</u>	•	
LOAN INFORMATION		

Loan tType for each loan identified on the default aversion assistance request (i.e., SF= subsidized Stafford, including nonsubsidized prior to 10/92; SU = unsubsidized Stafford; PL= Parent PLUS; GB = Grad PLUS; SL = SLS; CL = Consolidation).	•	
Loan ID for each loan identified on the default aversion assistance request (e.g., the loan identifier code, file number, guaranty date, or amount, as indicated by the guarantor).	•	
First disbursement date for each loan identified on the default aversion assistance request, as specified in the lender's records. 1 st Disb Dt	•	
Current principal balance (including all insured and uninsured capitalized interest) due on the date of the default aversion assistance request for each loan identified on the default aversion assistance request. \$ Curr Prin Bal	•	
Accrued interest due on the date of the default aversion assistance request for each loan identified on the default aversion assistance request. \$ Accrued Int	•	
Date the loan sold (as applicable). Dt Loan Sold	•	
Date on which the current servicer assumed responsibility for servicing the loan for each loan identified on the default aversion assistance request (as applicable). Dt Servicer Resp	•	
Payment due date of the borrower's first unmet payment. Pmt Due Dt	•	
Payment amount of the borrower's currently scheduled installment. \$ Pmt Amt	•	
Amount of the most recent payment received and the date received. Last Pmt Dt and \$ Last Pmt Amt		•
Total amount delinquent on the date the default aversion assistance request was generated. \$ Amt Delinq	•	
Number of days delinquent on the date the default aversion assistance request was generated. # Days Delinq	•	
Total number of deferment and/or discretionary forbearance months granted to the borrower for each specific deferment or discretionary forbearance identified on the default aversion assistance request. Deferment and Forbearance Information		•
ENDORSER/COMAKER/PLUS STUDENT (E/C/S) INFORMATION		
Loan ID	•	
E/C/S Code, E/C/S Name Full name of the endorser, comaker, or PLUS student and identifying code (i.e., E — endorser, C — comaker, S — PLUS student.	• ³	
Endorser's, comaker's, or PLUS student's SSN. Social Security #	• ³	
Endorser's or comaker's last-known complete address. E/C Address	• ³	
Validity of the endorser's or comaker's address. E/C Address and Valid?	•	
Endorser's or comaker's home telephone number. E/C Home #		•
Validity of the endorser's or comaker's telephone number. E/C Home # and Valid?	•	
PLUS Sstudent's Address last-known complete address.		•
Validity of the PLUS student's address. PLUS Student's Address and Valid?	•	
PLUS Sstudent's Home # home telephone number.		•
Validity of the PLUS student's telephone number. PLUS Student's Home # and Valid?	•	
LENDER/SERVICER INFORMATION		
Lender or servicer name and address. If the account is being serviced, only the servicer name and address must be provided.	•	

Lender's six-digit lender ID assigned by the Department and, as applicable, four-digit non-Department suffix. <u>Lender ID</u>	•	
Servicer's six-digit servicer ID assigned by the Department. <u>Servicer ID</u>	•	
Lender/Servicer Name, Lender/Servicer Address	•	
Contact and telephone number to whom the borrower should be referred (e.g., Customer Service Department, Collections Department). <u>Borrower Contact and Contact #</u>	•	
Telephone number and name of the person or unit responsible for answering questions about information provided on the form. <u>Prepared By and Preparer's #</u>	•	

¹ Refers to information the lender must provide on the default aversion assistance request.

² Refers to information the lender may or may not have. If the lender has the information, it must be provided on the default aversion assistance request.

³ Refers to information the lender must provide on the default aversion assistance request for loans first disbursed on or after September 1, 1998. For disbursements prior to September 1, 1998, if the lender has the information, it must be provided on the default aversion assistance request.

Information to Be Provided on the Default Aversion Assistance Request Form Figure 12-5

Field Name	Required ¹	If Available ²
DEFAULT AVERSION INFORMATION		
Default Aversion Type	•	
Request Date	•	
BORROWER INFORMATION		
Social Security #	•	
Name (Last, First, MI)	•	
AKA		•
Address and Valid?	•	
Address Effective Date		•
Home #, Work #, Other #		•
Home #, Work #, Other #, and Valid?	•	
Employer		•
Last School Attended	•	
Code		•
OSD		•
REFERENCE INFORMATION		
Name and Address	• ³	
Valid?	•	
Relationship		•
Home #, Other #		•
Home #, Other, and Valid?	•	
LOAN INFORMATION		
Loan Type	•	
Loan ID	•	
1 st Disb Dt	•	
\$ Curr Prin Bal	•	
\$ Accrued Int	•	
Dt Loan Sold	•	
Dt Servicer Resp	•	
Pmt Due Dt	•	
\$ Pmt Amt	•	
Last Pmt Dt and \$ Last Pmt Amt		•
\$ Amt Delinq	•	
# Days Delinq	•	
Deferment and Forbearance Information		•
ENDORSER/COMAKER/PLUS STUDENT (E/C/S) INFORMATION		
Loan ID	•	
E/C/S Code, E/C/S Name	• ³	
Social Security #	• ³	
E/C Address	• ³	
E/C Address and Valid?	•	
E/C Home #		•
E/C Home # and Valid?	•	

PLUS Student's Address		•
PLUS Student's Address and Valid?	•	
PLUS Student's Home #		•
PLUS Student's Home # and Valid?	•	
LENDER/SERVICER INFORMATION		
Lender ID	•	
Servicer ID	•	
Lender/Servicer Name, Lender/Servicer Address	•	
Borrower Contact and Contact #	•	
Prepared By and Preparer's #	•	

¹ Refers to information the lender must provide on the default aversion assistance request.

² Refers to information the lender may or may not have. If the lender has the information, it must be provided on the default aversion assistance request.

³ Refers to information the lender must provide on the default aversion assistance request for loans first disbursed on or after September 1, 1998. For disbursements prior to September 1, 1998, if the lender has the information, it must be provided on the default aversion assistance request.

COMMON MANUAL - GUARANTOR POLICY PROPOSAL

Date: December 18, 2009

X	DRAFT	Comments Due	Jan 8
	FINAL	Consider at GB meeting	
	APPROVED	with changes/no changes	

SUBJECT: Required Information on Claim Form

AFFECTED SECTIONS: Figure 13-1

POLICY INFORMATION: 1169/Batch 166

EFFECTIVE DATE/TRIGGER EVENT: Upon approval by the Governing Board.

BASIS:
None.

CURRENT POLICY:

Figure 13-1, "Information to Be Provided on the Claim Form", includes descriptions of the fields on the form, divided into two categories: fields that must be completed ("Required") and fields that must be completed only if the applicable information is available ("If Available").

REVISED POLICY:

Figure 13-1 has been revised to include the specific names of the fields on the Claim Form rather than descriptions of those fields. In addition, new "Required" fields on the Claim Form, which captures income-based repayment (IBR) information, have been added to the figure.

REASON FOR CHANGE:

This figure is being revised to conform to changes made to the Claim Form and to identify specific field names rather than field descriptions so the reader can easily distinguish "Required" and "If Available" fields. This figure also aligns with the updated Claim Form released on April 13, 2009.

PROPOSED LANGUAGE - COMMON MANUAL:

Revise Figure 13-1, page 2, as follows:

See attached figure. **Note: The figure has been provided in two versions: one that illustrates the proposed changes denoted by underscoring and strike-outs, and a separate version that illustrates how the figure would appear after the proposed changes.**

PROPOSED LANGUAGE - COMMON BULLETIN:

Required Information on Claim Form

Figure 13-1 has been revised to include the specific names of the fields on the Claim Form rather than descriptions of those fields so the reader can easily distinguish "Required" and "If Available" fields. In addition, new "Required" fields on the Claim Form, which captures income-based repayment (IBR) information, have been added to the figure.

GUARANTOR COMMENTS:

None.

IMPLICATIONS:

Borrower:

None.

School:

None.

Lender/Service:

A lender or servicer is required to provide information related to income-based repayment on the Claim Form.

Guarantor:

A guarantor will receive information related to income-based repayment from the lender or servicer via the Claim Form.

U.S. Department of Education:

The Department may require borrowers who have defaulted on their loans that are assigned to the Department to repay those loans under an income-based repayment plan.

To be completed by the Policy Committee

POLICY CHANGE PROPOSED BY:

Default Aversion and Claims Standardization Subcommittee (DACS)

DATE SUBMITTED TO CM POLICY COMMITTEE:

November 9, 2009

DATE SUBMITTED TO CM GOVERNING BOARD FOR APPROVAL:

PROPOSAL DISTRIBUTED TO:

CM Policy Committee

CM Guarantor Designees

Interested Industry Groups and Others

sa/edited-kk

Information to Be Provided on the Claim Form

Figure 13-1

Item Description Field Name	Required ¹	If Available ²
<u>CLAIM INFORMATION</u>		
<u>Claim Type of claim being submitted</u>	•	
<u>Date condition occurred. DCO</u>	•	
<u>Claim Review Type</u>	•	
<u>BORROWER INFORMATION</u>		
<u>Borrower's Social Security # number (SSN).</u>	•	
<u>Borrower's last name, first name, and middle initial. Name (Last, First, MI)</u>	•	
<u>AKA (previous or alternate name used by the borrower).</u>		•
<u>Borrower's last known complete a Address. and Valid?</u>	•	
<u>Validity of the borrower's address.</u>	•	
<u>Borrower's h Home #, telephone number, wWork #, number, and eOther #number.</u>		•
<u>Validity of the borrower's telephone numbers. Home #, Work #, Other #, and Valid?</u>	•	
<u>Name, telephone number, and address of the borrower's place of employment. Employer</u>		•
<u>LOAN INFORMATION</u>		
<u>Loan tType for each loan identified on the Claim Form (i.e., SF= subsidized Stafford, including nonsubsidized prior to 10/92; SU= unsubsidized Stafford; PL= Parent PLUS; GB= Grad PLUS; SL= SLS; CL= Consolidation).</u>	•	
<u>Loan ID for each loan identified on the Claim Form (e.g., the loan identifier code, file number, guarantee date, or amount, as indicated by the guarantor).</u>	•	
<u>1st Disb Dt</u>	•	
<u>\$ Current Prin Bal</u>	•	
<u>\$ Unpd Fee/Int</u>	• ⁴	
<u>Date the Dt tLoan sSold (as applicable).</u>	•	
<u>Date on which the current servicer assumed responsibility for servicing the loan for each loan identified on the Claim Form (as applicable). Dt Servicer Resp</u>	•	
<u>First disbursement date for each loan identified on the claim request.</u>	•	
<u>Interest rate, interest rate type, and the date loan converted (as required by HEA 1986 or HEA 1992 rebate requirements) for each loan identified. Int Rate/Type/Conv Dt</u>	•	
<u>Current principal balance (including all insured and uninsured capitalized interest) due for each loan identified on the date of the claim request.</u>	•	
<u>Amount of unpaid origination fee and, separately, amount of unpaid capitalized interest.</u>	• ⁴	
<u>Amount of cure interest capitalized and unpaid cure interest not capitalized for each loan claimed. \$ Uninsured Interest</u>	•	
<u>ENDORSER/COMAKER/PLUS STUDENT (E/C/S) INFORMATION</u>		
<u>Loan ID</u>	•	
<u>E/C/S Code, ID #</u>	•	
<u>PLUS student's Social Security number (SSN), and name. E/C/S Name</u>	•	
<u>PLUS Student Social Security #</u>	•	
<u>Endorser's or Comaker's Social Security #</u>	• ³	
<u>PLUS sStudent's last known complete aAddress.</u>		•
<u>E/C Address</u>	• ³	
<u>Validity of the PLUS student's address. E/C/S Address and Valid?</u>	•	
<u>PLUS sStudent's hHome telephone number.#</u>		•
<u>E/C Home #</u>	• ³	
<u>Validity of the PLUS student's home telephone number. E/C/S Home # and Valid?</u>	•	
<u>Full name of the endorser or comaker, the identifying code (i.e., E=endorser, C=comaker), and the numeric identifier.</u>	•	
<u>Endorser's or comaker's SSN.</u>	• ³	
<u>Endorser's or comaker's last known complete address.</u>	• ³	
<u>Validity of the endorser's or comaker's address.</u>	•	
<u>Endorser's or comaker's home telephone number.</u>	• ³	
<u>Validity of the endorser's or comaker's home telephone number.</u>	•	

CONVERSION TO REPAYMENT INFORMATION		
The out of school date. Stafford loans—the date the borrower ended enrollment on at least a half-time basis, before any grace period and the initial conversion of the loan to repayment. PLUS/SLS loans—the date the student or borrower ceased eligibility for an in-school deferment (for immediately deferred loans only). Consolidation loans and PLUS/SLS loans not immediately deferred—the date of the last disbursement. For Consolidation loans, the latest disbursement date on the beginning loan balance should be used if the lender did not establish a new due date when an add-on was accomplished. If the lender did establish a new due date with the add-on loan, the disbursement date for the add-on should be provided. <u>OSD</u>	•	
Date the lender was notified of the original out-of-school date. <u>Notification Dt</u>	•	
Note whether the original out-of-school date changed after the account entered repayment. <u>Repayment Change?</u>	•	
Due date of the first monthly payment. <u>1st Pmt Due Dt</u>	•	
REPAYMENT INFORMATION		
Total amount of payments made by or on behalf of the borrower. <u>\$ Total Borrower Pmts</u>	•	
For disability claims, total amount of payments made by or on behalf of borrower after the date the borrower became unable to work and earn money. <u>\$ DI Refund</u>	•	
Number of months due date advanced by payments made by or on behalf of the borrower. <u># Mnths Pmts</u>	•	
Number of regular monthly payments deferred or forborne. <u># Mnths Def/Forb</u>	•	
Number of months account was out of guarantee. <u># Mnths Violation</u>	•	
Total number of noncontinuous individual periods of deferment and forbearance. <u># Events</u>	•	
Number of reconversion months. <u># Reconv Mnths</u>	•	
Due date of the first unmet payment of the borrower's delinquency. <u>Pmt Due Dt</u>	•	
REQUESTED CLAIM AMOUNT		
Total original principal value disbursed to the borrower for the loans claimed. <u>Total Amount Disb/Repurchased</u>	•	
Total amount of interest capitalized. <u>Capitalized Int</u>	•	
Total principal repaid on the borrower's account before and after entering repayment. <u>Prin Repaid</u>	•	
Total principal value of the borrower's debt which is used to compute the interest claimed. <u>Prin Used For Int Claimed</u>	•	
Amount of interest capitalized not eligible for claim payment. <u>Cure Int Capitalized</u>	•	
Total principal value of the claim. <u>Prin Claimed</u>	•	
Date through which interest was last paid. <u>Int-Paid-Through Dt</u>	•	
Amount of outstanding insured interest claimed and the date through which it was accrued. <u>Int Claimed As Of</u>	•	
Amount of unpaid cure interest not capitalized. <u>Unpaid Cure Int Not Capitalized</u>	•	
Amount of any other insured costs incurred on the account. <u>Other Charges Claimed</u>	•	
LENDER/SERVICER INFORMATION AND CERTIFICATION		
Lender's six-digit lender ID assigned by the Department and, as applicable, four digit non-Department suffix. <u>Lender ID</u>	•	
Servicer's six-digit servicer ID assigned by the Department. <u>Servicer ID</u>	•	
Claim review status for which the institution currently qualifies (i.e., 1=Exceptional performer status, 2=standard review status, 3=Program review status).	•	
Current servicer's name and address. <u>Lender/Servicer Name</u>	•	
<u>Lender/Servicer Address</u>	•	
Preparer's name and telephone number. <u>Prepared By</u>	•	
<u>Preparer's #</u>	•	
COLLECTION HISTORY (THE 270-DAY PERIOD PRIOR TO DEFAULT DATE)		
Borrower, endorser, and comaker collection activity codes and dates the activities were performed. <u>Collection History</u>	•	
INCOME BASED REPAYMENT		
<u>Loan ID</u>	•	5
<u>Standard-Standard \$</u>	•	5
<u>Permanent-Standard \$</u>	•	5

<u>25-Year Forgiveness Date Dt</u>	● 5	
<u># Qualifying Forgiveness Mnths</u>	● 5	
<u>IBR Start Dt</u>	● 5	
<u># Days HRD Def</u>	● 5	

¹ Refers to information the lender must provide on the Claim Form.

² Refers to information that the lender may or may not have. If the lender has the information, it must be provided on the Claim Form.

³ Refers to information that the lender must provide on the Claim Form for loans first disbursed on or after September 1, 1998. For loans first disbursed prior to September 1, 1998, if the lender has the information, it must be provided on the Claim Form.

⁴ Refers to information that the lender is required to provide on the Claim Form for claims filed for loans first disbursed on or after September 1, 2004.

⁵ Refers to information that the lender is not required to provide for BC, BH or DI claims for which no first payment due date has been established, for parent PLUS loans or Consolidation loans that include a parent PLUS loan, or for claim types CS, DE, FC.

Information to Be Provided on the Claim Form

Figure 13-1

Field Name	Required ¹	If Available ²
CLAIM INFORMATION		
Claim Type	•	
DCO	•	
Claim Review Type	•	
BORROWER INFORMATION		
Social Security #	•	
Name (Last, First, MI)	•	
AKA		•
Address and Valid?	•	
Home #, Work #, Other-#		•
Home #, Work #, Other #, and Valid?	•	
Employer		•
LOAN INFORMATION		
Loan Type	•	
Loan ID	•	
1 st Disb Dt	•	
\$ Current Prin Bal	•	
\$ Unpd Fee/Int	• ⁴	
Dt Loan Sold	•	
Dt Servicer Resp	•	
Int Rate/Type/Conv Dt	•	
\$ Uninsured Interest	•	
ENDORSER/COMAKER/PLUS STUDENT (E/C/S) INFORMATION		
Loan ID	•	
E/C/S Code, ID #	•	
E/C/S Name	•	
PLUS Student Social Security #	•	
Endorser's or Comaker's Social Security #	• ³	
PLUS Student's Address		•
E/C Address	• ³	
E/C/S Address and Valid?	•	
PLUS Student's Home #		•
E/C Home #	• ³	
E/C/S Home # and Valid?	•	
CONVERSION TO REPAYMENT INFORMATION		
OSD	•	
Notification Dt	•	
Repayment Change?	•	
1 st Pmt Due Dt	•	
REPAYMENT INFORMATION		
\$ Total Borrower Pmts	•	
\$ DI Refund	•	
# Mnths Pmts	•	
# Mnths Def/Forb	•	
# Mnths Violation	•	
# Events	•	
# Reconv Mnths	•	
Pmt Due Dt	•	
REQUESTED CLAIM AMOUNT		
Total Amount Disb/Repurchased	•	
Capitalized Int	•	
Prin Repaid	•	

Prin Used For Int Claimed	•	
Cure Int Capitalized	•	
Prin Claimed	•	
Int-Paid-Through Dt	•	
Int Claimed As Of	•	
Unpaid Cure Int Not Capitalized	•	
Other Charges Claimed	•	
LENDER/SERVICER INFORMATION AND CERTIFICATION		
Lender ID	•	
Servicer ID	•	
Lender/Servicer Name	•	
Lender/Servicer Address	•	
Prepared By	•	
Preparer's #	•	
COLLECTION HISTORY (THE 270-DAY PERIOD PRIOR TO DEFAULT DATE)		
Collection History	•	
INCOME BASED REPAYMENT		
Loan ID	•	5
Standard-Standard \$	•	5
Permanent-Standard \$	•	5
25-Year Forgiveness Date Dt	•	5
# Qualifying Forgiveness Mnths	•	5
IBR Start Dt	•	5
# Days HRD Def	•	5

¹ Refers to information the lender must provide on the Claim Form.

² Refers to information that the lender may or may not have. If the lender has the information, it must be provided on the Claim Form.

³ Refers to information that the lender must provide on the Claim Form for loans first disbursed on or after September 1, 1998. For loans first disbursed prior to September 1, 1998, if the lender has the information, it must be provided on the Claim Form.

⁴ Refers to information that the lender is required to provide on the Claim Form for claims filed for loans first disbursed on or after September 1, 2004.

⁵ Refers to information that the lender is not required to provide for BC, BH or DI claims for which no first payment due date has been established, for parent PLUS loans or Consolidation loans that include a parent PLUS loan, or for claim types CS, DE, FC.

COMMON MANUAL – FEDERAL POLICY PROPOSAL

Date: December 18, 2009

X	DRAFT	Comments Due	Jan 8
	FINAL	Consider at GB meeting	
	APPROVED	with changes/no changes	

SUBJECT: Eligible Lender Trustee and School Acting as a Lender Annual Audit Clarification

AFFECTED SECTIONS: 3.2 Schools Acting as Lenders and Eligible Lender Trustee Relationships
3.8.A Annual Compliance Audits

POLICY INFORMATION: L030/Batch 166

EFFECTIVE DATE/TRIGGER EVENT: First auditable period for the school as lender or eligible lender trustee that begins on or after August 14, 2008.

BASIS:
§682.305(c)(1)(ii).

CURRENT POLICY:
Current policy does not stipulate that the required audit must be performed by a qualified independent organization or person.

REVISED POLICY:
Revised policy stipulates that the required audit must be performed by a qualified independent organization or person.

REASON FOR CHANGE:
This change is made to comply with clarifications provided in Final Rules, *Federal Register* dated October 29, 2009, p. 55996.

PROPOSED LANGUAGE - COMMON MANUAL:
Revise Section 3.2, page 2, column 1, paragraph 3, bullet 10, as follows:

Schools Acting as Lenders

An eligible school may act as a lender under the Federal Stafford Loan Program if it meets all eligibility requirements applicable as of February 2, 2006, and made its first loan under the FFELP on or before April 1, 2006. In addition, in order to continue to participate, the eligible school must meet all of the following criteria:

- ...
- ...
- ...
- ...
- ...
- ...
- ...
- ...
- ...
- ...
- The school submits to the Department an annual lender compliance audit for each fiscal year in which the school engages in activities as an eligible lender. The audit must be conducted by a qualified independent organization or person and this requirement applies regardless of the size of the school's loan portfolio or annual loan volume. (See Subsection 3.8.A for more information regarding the annual compliance audit.) [HEA §435(d)(2)(A)(vii); §682.305(c)(1)(ii); §682.601(a)(7)]

Revise Section 3.2, page 3, column 1, paragraph 2, bullet 3, sub-bullet 4, as follows:

The parties involved in the ELT relationship must meet the following eligibility criteria:

- ...
- ...
- An eligible lender acting as a trustee:
 - ...
 - ...
 - ...
 - Must ensure that the ELT loans are included in the annual lender compliance audit. (See Subsection 3.8.A for more information regarding the annual audit requirement.)

Revise Subsection 3.8.A, page 22, column 2, paragraph2, as follows:

3.8.A Annual Compliance Audit

Except as provided below, a lender that makes or holds FFELP loans is subject to a compliance audit at least once a year. The audit must be conducted on a fiscal-year basis by a qualified independent organization or person, in accordance with standards established for the audit of governmental organizations and programs by the U.S. Comptroller General. If the lender serves as an eligible lender trustee (ELT) on behalf of a school or a school-affiliated organization, it must ensure that the loans made under the ELT arrangement are included in the annual audit. The audit must cover the period since the most recent audit.
[§682.305(c)(1)]

PROPOSED LANGUAGE - COMMON BULLETIN:

Eligible Lender Trustee and School Acting as a Lender Annual Audit Clarification

The *Common Manual* has been updated to clarify the requirements in just-published regulations regarding the required annual audits for schools acting as lenders (SAL) and for eligible lender trustees (ELT). Although the annual audit requirement is already reflected in the Manual, the revisions clarify that this audit, like other annual audits, must be conducted by a qualified independent organization or person. Also, any lender that acts as an ELT must ensure that loans made under the ELT arrangement are included in its annual audit.

GUARANTOR COMMENTS:

None.

IMPLICATIONS:

Borrower:

None.

School:

A school acting as a lender must ensure that its auditor for the annual audit meets the qualifications specified in the new regulatory language.

Lender/Servicer:

A lender that serves as an ELT must ensure that the loans that it makes under that ELT arrangement are included in its annual audit.

Guarantor:

The guarantor may be required to amend program review parameters.

U.S. Department of Education:

The Department may be required to amend program review parameters.

To be completed by the Policy Committee

POLICY CHANGE PROPOSED BY:

CM Policy Committee

DATE SUBMITTED TO CM POLICY COMMITTEE:
November 12, 2009

DATE SUBMITTED TO CM GOVERNING BOARD FOR APPROVAL:

PROPOSAL DISTRIBUTED TO:
CM Policy Committee
CM Guarantor Designees
Interested Industry Groups and Others

bg/edited-tmh

COMMON MANUAL – FEDERAL POLICY PROPOSAL

Date: December 18, 2009

X	DRAFT	Comments Due	Jan 8
	FINAL	Consider at GB meeting	
	APPROVED	with changes/no changes	

SUBJECT:

Revised SCRA Provisions

AFFECTED SECTIONS:

7.4.B Reduced Stafford Interest Rates
7.5.B Reduced PLUS Interest Rates
10.9.B Reduced Interest Rates
15.3.D Calculating the Interest Rate

POLICY INFORMATION:

1171/Batch 166

EFFECTIVE DATE/TRIGGER EVENT:

Loans for which the lender receives a servicemember's written request for the reduced interest rate that is effective on or after August 14, 2008, for periods of military service ending on or after that date.

BASIS:

§682.202(a)(8)(e); *Federal Register* dated July 23, 2009, p. 36565.

CURRENT POLICY:

Current policy does not expressly prohibit a lender from assessing additional charges or fees to a borrower who is subject to the provisions of the Servicemembers' Civil Relief Act (SCRA), to compensate the lender for the difference between the otherwise applicable interest rate and the reduced rate that the lender is required to charge. Current policy also does not clarify when a loan is considered to be incurred in the case of a loan made with an endorser's signature or a Consolidation loan.

REVISED POLICY:

Revised policy prohibits a lender from assessing additional charges or fees to a borrower who is subject to the provisions of the SCRA, to compensate for the difference between the otherwise applicable interest rate and the reduced rate that the lender is permitted to charge. Revised policy states that the endorser is considered to be eligible to request and receive the reduced interest rate if the endorser signed the PLUS MPN Endorser Addendum prior to the start of his or her qualifying military service. Revised policy also clarifies when a loan is considered to be incurred in the case of a loan made with an endorser's signature or a Consolidation loan.

REASON FOR CHANGE:

This change is made to comply with clarifications provided by the Department in the Preamble to the Notice of Proposed Rulemaking, *Federal Register* dated July 23, 2009, p. 36565.

PROPOSED LANGUAGE - COMMON MANUAL:

Revise Subsection 7.4.B, page 5, column 2, paragraph 1, as follows:

7.4.B Reduced Stafford Interest Rates

Effective August 14, 2008, the Higher Education Act of 1965, as amended, extends certain provisions of the Servicemembers Civil Relief Act (SCRA) to FFELP loans made under the FFELP before the eligible borrower entered qualifying military service. If a Stafford loan borrower qualifies under Section 207 of the SCRA on a loan that was made before the borrower entered qualifying military service, the lender is required to reduce the interest rate on any loan that is accruing interest at a higher rate so that it does not charge the borrower an interest rate that does not exceeds 6% for the period of the borrower's military service. The reduced interest rate provision applies to any loan obtained by an eligible servicemember, including a loan on which the servicemember is a comaker, such as a comade Consolidation loan, or for which the servicemember is an endorser. [HEA §428(d); §682.202(a)(8)(e); *Federal Register* dated July 23, 2009, p. 36565; DCL GEN-08-12/FP-08-10]

For purposes of this provision, interest includes service charges, renewal charges, fees, or any other charges (except for actual insurance) with respect to the Stafford loan. The

borrower must request the reduced interest rate in writing and provide the lender with a copy of initial military orders and any orders that extend his or her military service. The borrower must provide the request and documentation not later than 180 days following the last date of the borrower's military service.

[HEA §428(d); DCL GEN-08-12/FP-08-10]

When the borrower's period of military service ends, the lender is not permitted to assess any additional charge or fee to compensate for the difference between the applicable interest rate and the maximum permissible charges under the SCRA.

[Federal Register dated July 23, 2009, p. 36565]

Also, a lender may choose to charge a borrower an interest rate that is lower than the maximum interest rate permitted . . .

If a lender chooses to charge a lesser interest rate, it A-lender must notify the borrower, at the time a lower interest rate is offered, that the lower interest rate ends on the date a default or ineligible borrower claim is purchased by the guarantor. The lender may provide this information . . .

Revise Subsection 7.5.B, page 8, column 1, paragraph 5, as follows:

7.5.B Reduced PLUS Interest Rates

~~Effective August 14, 2008, the Higher Education Act of 1965, as amended, extends certain provisions of the Servicemembers Civil Relief Act (SCRA) to FFELP loans made under the FFELP before the eligible borrower entered qualifying military service. If a PLUS loan borrower qualifies under Section 207 of the SCRA on a loan that was made before the borrower entered qualifying military service, the lender is required to reduce the interest rate on any loan that is accruing interest at a higher rate so that it does not charge the borrower an interest rate that does not exceeds 6% for the period of the borrower's military service that falls on or after August 14, 2008. The reduced interest rate provision applies to any loan obtained by an eligible servicemember, including a loan on which the servicemember is a comaker, such as a comade PLUS or Consolidation loan, or for which the servicemember is an endorser. A PLUS loan made with a servicemember-endorser is eligible for the reduced interest rate if the servicemember signed the PLUS MPN Endorser Addendum before the start date of his or her qualifying military service.~~

[HEA §428(d); §682.202(a)(8)(e); Federal Register dated July 23, 2009, p. 36565; DCL GEN-08-12/FP-08-10]

For purposes of this provision, interest includes service charges, renewal charges, fees, or any other charges (except for actual insurance) with respect to the PLUS loan. The 6% rate applies to any PLUS loan on which the servicemember is the only borrower, ~~or~~ on any joint obligation where one borrower or both borrowers of the comade PLUS loan qualify as the servicemember, ~~or any loan on which the servicemember is the endorser.~~ The borrower ~~or eligible endorser~~ must request the reduced interest rate in writing and provide the lender with a copy of initial military orders and any orders that extend his or her military service. The ~~borrower~~ servicemember must provide the request and documentation not later than 180 days following the last date of applicable the borrower's military service. ~~The reduced interest rate may also apply to an endorser if the endorser is an eligible servicemember and the lender is actively collecting the loan from the endorser.~~

[HEA §428(d); HEA §438(g); DCL GEN-08-12]

When the borrower's or endorser's period of military service ends, the lender is not permitted to assess any additional charge or fee to compensate for the difference between the applicable interest rate and the maximum permissible charges under the SCRA.

[Federal Register dated July 23, 2009, p. 36565]

Also, a lender may choose to charge a borrower an interest rate that is lower than the maximum interest rate permitted . . .

If a lender chooses to charge a lesser interest rate, it A-lender must notify the borrower, at the time a lower interest rate is offered, that the lower interest rate ends on the date a default or

ineligible borrower claim is purchased by the guarantor. The lender may provide this information in . . .

Revise Subsection 10.9.B, page 19, column 1, paragraph 5, as follows:

10.9.B Reduced Interest Rates

If the borrower qualifies under Section 207 of the Servicemembers Civil Relief Act (SCRA) and requests an interest rate reduction in writing, the lender is required to reduce the interest rate on any loan that is accruing interest at a higher rate so that it does not charge the borrower an interest rate that does not exceeds 6% for the period of the borrower's military service that falls on or after August 14, 2008. For purposes of this provision, interest includes service charges, renewal charges, fees, or any other charges (except for actual insurance) with respect to the loan. A borrower may qualify for the 6% rate if all of the following criteria are met:

- The borrower has an outstanding Stafford, PLUS, or Consolidation loan that was made prior to the date that the servicemember entered active duty military service.
- The borrower is the only borrower, a comaker on the loan, or an endorser on an outstanding PLUS loan.
- The borrower, comaker, or endorser requests the reduced interest rate in writing and provides to the lender a copy of his or her initial military orders and any orders that extend military service.
- The borrower provides the written request and documentation not later than 180 days following the last date of the borrower's qualifying military service.

The reduced interest rate applies to an endorser if the endorser is an eligible servicemember who signed the PLUS MPN Endorser Addendum before the start date of his or her qualifying military service, and the lender is actively collecting the loan from the endorser. [HEA §428(d); DCL GEN-08-12/FP-08-10]

When the borrower's or endorser's period of military service ends, the lender is not permitted to assess any additional charge or fee to compensate for the difference between the applicable interest rate and the maximum permissible charges under the SCRA. [Federal Register dated July 23, 2009, p. 36565]

Also, a lender may choose to charge a borrower an interest rate that is lower than the maximum interest rate permitted by statute (statutory rate). If the lender charges a lower rate, the lender must ensure that reports to the Department (such as the Lender's Interest and Special Allowance Request and Report [LaRS report]) are adjusted appropriately. (See Subsection 7.4.B regarding lender disclosure requirements when offering lower interest rates.) If a lender chooses to charge a lesser interest rate, it The lender must notify the borrower, at the time the lower interest rate is offered, that the lower interest rate ends on the date the loan is purchased by the guarantor as a default or ineligible borrower claim. The loan will revert to the applicable statutory rate as of the date the defaulted loan or ineligible borrower claim is purchased.

Revise Subsection 15.3.D, page 10, column 1, paragraph 3, as follows:

. . .

If a Consolidation loan borrower is covered under Section 207 of the Servicemembers Civil Relief Act (SCRA) and requests an interest rate reduction in writing, the lender is required to reduce the interest rate on any loan that is accruing interest at a higher rate so that it does not charge the borrower an interest rate that does not exceeds 6% for the period of the borrower's military service that falls on or after August 14, 2008. The Consolidation loan must have been made before the eligible borrower entered qualifying military service. The loan is considered "made" for this purpose on the date that the Consolidation loan itself was made, and not the dates on which the underlying loans were disbursed.

When the borrower's period of military service ends, the lender is not permitted to assess any additional charge or fee to compensate for the difference between the applicable interest rate and the maximum permissible charges under the SCRA.
[*Federal Register* dated July 23, 2009, p. 36565]

For purposes of this provision, interest includes service charges, renewal charges, fees, or any other charges (except for actual insurance) with respect to the Consolidation loan. The 6%-rate is applicable ~~effective August 14, 2008,~~ to any Consolidation loan on which the servicemember is the only borrower or on any joint obligation where one borrower or ~~both~~ each of the borrowers on a comade (spousal) Consolidation loan ~~qualifies as the an eligible~~ qualifies as the an eligible servicemember. The borrower must request . . .

Also, a lender may choose to charge a borrower an interest rate that is lower than the maximum interest rate permitted by statute (the statutory rate). If the lender charges the lower rate, the lender must ensure that reports issued to the Department (such as the Lender's Interest and Special Allowance Request and Report [LaRS report]) are adjusted. See Appendix A for more information on LaRS reporting.
[§682.202(a)(5)]

If a lender chooses to charge a lesser interest rate, it A lender must notify the borrower, at the time a lower interest rate is offered, that the lower-rate interest ends on the date a default or ineligible borrower claim is purchased by the guarantor. The lender may provide this information . . .

PROPOSED LANGUAGE - COMMON BULLETIN:

Revised SCRA Provisions

The *Common Manual* has been revised to provide several clarifications regarding the applicability of provisions of the Servicemembers Civil Relief Act to loans in the FFELP. The following changes and clarifications have been made:

- When the borrower's or endorser's period of qualifying military service ends, the lender is not permitted to assess fees or charges on the loan to compensate for the difference between the otherwise applicable interest rate and the reduced rate that the lender is permitted to charge.
- An endorser on a loan is considered to be eligible to request and receive the reduced interest rate if the endorser signed the PLUS MPN Endorser Addendum prior to the start of his or her qualifying military service.
- A Consolidation loan is considered to be "made" for purposes of obtaining the reduced interest rate on the date that the Consolidation loan itself was disbursed and not on the dates that the loans that comprise that Consolidation loan were made. The servicemember may receive the reduced interest rate on any Consolidation loan if that Consolidation loan was made prior to his or her first day of qualifying military service.

GUARANTOR COMMENTS:

None.

IMPLICATIONS:

Borrower:

A borrower will receive more consistent benefits with respect to access to the reduced interest rate and will not be charged fees to compensate the lender for the reduced interest rate.

School:

A school that provides information regarding the SCRA interest rates may need to update its materials.

Lender/Servicer:

A lender may need to update policies and procedures and any published materials related to SCRA interest rate provisions.

Guarantor:

The guarantor may need to amend its policies and procedures with respect to granting the lower interest rates,

and may need to amend its program review procedures.

U.S. Department of Education:

The Department may need to amend its policies and procedures with respect to loans that it administers, and to amend its program review procedures.

To be completed by the Policy Committee

POLICY CHANGE PROPOSED BY:

CM Policy Committee

DATE SUBMITTED TO CM POLICY COMMITTEE:

November 10, 2009

DATE SUBMITTED TO CM GOVERNING BOARD FOR APPROVAL:

PROPOSAL DISTRIBUTED TO:

CM Policy Committee

CM Guarantor Designees

Interested Industry Groups and Others

bg/edited-tmh

COMMON MANUAL – FEDERAL POLICY PROPOSAL

Date: December 18, 2009

X	DRAFT	Comments Due	Jan 8
	FINAL	Consider at GB meeting	
	APPROVED	with changes/no changes	

SUBJECT: Repayment Disclosure Changes

AFFECTED SECTIONS: 10.7 Disclosing Repayment Terms
10.7.A Time Frame for Disclosure

POLICY INFORMATION: 1172/Batch 166

EFFECTIVE DATE/TRIGGER EVENT: Loans first disbursed on or after August 14, 2008, but no later than disclosures provided on or after July 1, 2010.

BASIS:

§682.205(c)(2)(xii); *Federal Register* dated July 23, 2009, p. 36571; Preamble to the Notice of Proposed Rulemaking, *Federal Register* dated July 23, 2009, p. 36571.

CURRENT POLICY:

Current policy does not include the requirement that a lender disclose to a borrower that he or she is permitted to change his or her repayment plan selection at least annually. Current policy also does not clarify the time frame for a lender to provide the repayment disclosure to a PLUS borrower whose loan enters immediate deferment.

REVISED POLICY:

Revised policy inserts the requirement that a lender disclose to a borrower that he or she is permitted to change his or her repayment plan selection at least annually. Revised policy also clarifies the time frame within which a lender must provide the repayment disclosure to a PLUS borrower whose loan enters immediate deferment.

REASON FOR CHANGE:

This change is made to comply with clarifications provided by the Department in the Preamble to the Notice of Proposed Rulemaking, *Federal Register* dated July 23, 2009, and in the Final Rules, *Federal Register* dated October 29, 2009, p. 55992.

PROPOSED LANGUAGE - COMMON MANUAL:

Revise Section 10.7, page 13, column 1, paragraph 4, bullet 7, as follows:

Repayment Disclosure Formats

Most guarantors provide . . . This format must include, at a minimum, the following elements:

- . . .
- . . .
- . . .
- . . .
- . . .
- . . .
- A description of all the repayment plans that are available to the borrower and a statement that the borrower may change from one plan to another at least annually during the repayment period. Details regarding the various repayment schedules are outlined in Section 10.8.

Revise Subsection 10.7.A, page 15, column 1, paragraph 1, as follows:

PLUS Loans

The lender must notify a PLUS loan borrower of repayment terms no less than 30 days, and no more than 150 days, before the first payment due date. Since the PLUS loan enters

repayment when fully disbursed, the 30- and 150-day time frames are based on the date that the loan initially enters repayment, regardless of any deferment that might otherwise postpone the first payment due date. See Section 10.7 for repayment disclosure requirements. [§682.205(c)(1); Preamble to the Notice of Proposed Rulemaking, *Federal Register* dated July 23, 2009, p. 36571]

PROPOSED LANGUAGE - COMMON BULLETIN:

Repayment Disclosure Changes

The *Common Manual* has been revised to include the requirement that the lender disclose to the borrower that he or she is permitted to change his or her repayment plan selection at least annually.

Previously published policy stated that a lender must provide the repayment disclosure for a PLUS loan no less than 30 days, and no more than 150 days, before the first payment that would be due after the loan is considered to have entered repayment. The Department provided guidance regarding repayment disclosures for PLUS borrowers whose loans enter deferment immediately, stating that since a PLUS loan enters repayment when fully disbursed, the 30- and 150-day time frames are based on the date that the loan initially enters repayment, i.e, when the loan is considered to be fully disbursed, regardless of any deferment that might otherwise postpone the first payment due date.

GUARANTOR COMMENTS:

None.

IMPLICATIONS:

Borrower:

A borrower will receive repayment information earlier than when a lender provides the disclosure based on the deferment end date.

School:

None.

Lender/Servicer:

A lender may need to amend its loan disclosure information and the timing with which it provides those disclosures.

Guarantor:

The guarantor may be required to amend program review parameters.

U.S. Department of Education:

The Department may be required to amend program review parameters.

To be completed by the Policy Committee

POLICY CHANGE PROPOSED BY:

CM Policy Committee

DATE SUBMITTED TO CM POLICY COMMITTEE:

November 12, 2009

DATE SUBMITTED TO CM GOVERNING BOARD FOR APPROVAL:

PROPOSAL DISTRIBUTED TO:

CM Policy Committee
CM Guarantor Designees
Interested Industry Groups and Others

bg/edited-tmh

COMMON MANUAL - FEDERAL POLICY PROPOSAL

Date: December 18, 2009

X	DRAFT	Comments Due	Jan 8
	FINAL	Consider at GB meeting	
	APPROVED	with changes/no changes	

SUBJECT: Rehabilitation of Defaulted FFELP Loans

AFFECTED SECTIONS: 13.7 Rehabilitation of Defaulted FFELP Loans

POLICY INFORMATION: 1173/Batch 166

EFFECTIVE DATE/TRIGGER EVENT: For Consolidation loan clarification: None.

For notification time frames: Rehabilitation notifications received by the prior holder on or after July 1, 2010.

BASIS:
§682.405(b)(3)(ii); *Federal Register* dated October 29, 2009, pp. 55979 and 56000.

CURRENT POLICY:
Current policy states that a loan may be rehabilitated only once. Any loan included in a rehabilitation agreement on or after August 14, 2008, may not be included in a future rehabilitation agreement. A borrower may include in a rehabilitation agreement another defaulted loan that has not previously been rehabilitated on or after August 14, 2008.

Current policy states that upon purchase of a loan by an eligible lender, the guarantor or any other holder of the loan that previously reported it as a defaulted status must report to the national consumer reporting agency to which it reported the default status that such status is to be removed from the borrower's credit history, as the loan is now considered rehabilitated.

REVISED POLICY:
Revised policy clarifies that a defaulted Consolidation loan that includes a loan previously rehabilitated on or after August 14, 2008, is eligible for rehabilitation because the Consolidation loan is a new loan.

Revised policy states that within 30 days of receiving notification of the rehabilitation from the guarantor, the prior holder of the loan must request that any consumer reporting agency to which the default claim payment or other equivalent record was reported, remove the default claim payment or other equivalent record from the borrower's credit history.

REASON FOR CHANGE:
This change aligns the Manual's text with final rules published in the *Federal Register* dated October 29, 2009, pp. 55979 and 56000.

PROPOSED LANGUAGE - COMMON MANUAL:
Revise Section 13.7, page 15, column 2, paragraph 1, as follows:

13.7 Rehabilitation of Defaulted FFELP Loans

To be eligible to rehabilitate a defaulted FFELP loan, a borrower must enter into a rehabilitation agreement with the guarantor or a collection agency acting on its behalf. A borrower who receives loan funds for which he or she is ineligible due solely to his or her error may not rehabilitate the ineligible funds or otherwise have his or her Title IV eligibility reinstated until the ineligible funds are repaid in full. A borrower may not include in a rehabilitation agreement a loan on which a judgment has been obtained or a loan on which the borrower has been convicted of, or has pled *nolo contendere* or guilty to, a crime involving fraud in obtaining Title IV funds. A loan may be rehabilitated only once. Any loan included in a rehabilitation agreement on or after August 14, 2008, may not be included in a future rehabilitation agreement. A borrower may include in a rehabilitation agreement another defaulted loan that has not previously been rehabilitated on or after August 14, 2008. A defaulted Consolidation loan that includes a loan previously rehabilitated on or after August

14, 2008, is eligible for rehabilitation.

[HEA § 428F9a)(5); §682.405(a)(1); *Federal Register* dated October 29, 2009, p. 55979; DCL GEN-08-12/FP-08-10]

Revise Section 13.7, page 16, column 2, paragraph 1, as follows:

~~Upon purchase of a loan by an eligible lender, the guarantor or any other holder of the loan that previously reported it as a defaulted status must report to the national consumer reporting agency to which it reported the default status that such status is to be removed from the borrower's credit history, as the loan is now considered rehabilitated. Within 30 days of receiving notification of the rehabilitation from the guarantor, the prior holder of the loan must request that any consumer reporting agency to which the default claim payment or other equivalent record was reported, remove the default claim payment or other equivalent record from the borrower's credit history.~~

[HEA §428F(a)(1)(A); §682.405(a); §682.405(b)(3)(ii); DCL GEN-08-12/FP-08-10]

- ▲ Contact the guarantor for information about its process for lender notification of a rehabilitated loan. See Section 1.5 for contact information.

PROPOSED LANGUAGE - COMMON BULLETIN:

Loan Rehabilitation – Prior Holder Reporting Requirements

The *Common Manual* has been revised to clarify that a defaulted Consolidation loan that includes a loan previously rehabilitated on or after August 14, 2008, is eligible for rehabilitation.

Revised policy also states that within 30 days of receiving notification of the rehabilitation from the guarantor, the prior holder of the loan must request that any consumer reporting agency to which the default claim payment or other equivalent record was reported, remove the default claim payment or other equivalent record from the borrower's credit history.

GUARANTOR COMMENTS:

None.

IMPLICATIONS:

Borrower:

A borrower is assured that his or her credit history will be updated in a timely manner after the borrower's loan is rehabilitated.

School:

None.

Lender/Service:

A lender may need to update its processes and procedures to meet the new 30-day time frame.

Guarantor:

The guarantor may need to amend its program review procedures to include the time frame within which the lender must ensure the updates are reported to the consumer reporting agency.

U.S. Department of Education:

The Department may need to amend its program review procedures to include the time frame within which the lender must ensure the updates are reported to the consumer reporting agency.

To be completed by the Policy Committee

POLICY CHANGE PROPOSED BY:

CM Policy Committee

DATE SUBMITTED TO CM POLICY COMMITTEE:

October 26, 2009

DATE SUBMITTED TO CM GOVERNING BOARD FOR APPROVAL:

PROPOSAL DISTRIBUTED TO:

CM Policy Committee

CM Guarantor Designees

Interested Industry Groups and Others

ma/edited-chh

COMMON MANUAL - CORRECTION POLICY PROPOSAL

Date: December 18, 2009

X	DRAFT	Comments Due	Jan 8
	FINAL	Consider at GB meeting	
	APPROVED	with changes/no changes	

SUBJECT: Managing Overawards

AFFECTED SECTIONS: 8.6 Managing Overawards
Appendix G

POLICY INFORMATION: 1174/Batch 166

EFFECTIVE DATE/TRIGGER EVENT: Retroactive to implementation of the *Common Manual*.

BASIS:
1995-1996 FSA Handbook, Chapter 2, pp. 39-56.

CURRENT POLICY:
Current policy states an overaward occurs when a student's total estimated financial assistance (excluding Pell grants) exceeds the student's financial need.

REVISED POLICY:
Revised policy clarifies if the school determines an overaward exists, it must contact the lender or guarantor to request an adjustment of any remaining loan disbursements. If all disbursements of a loan have been delivered to the student prior to the overaward, no adjustments are required. However, the school may need to adjust campus-based aid to offset the borrower's overaward.

Additionally, the policy distinguishes between different overaward situations and incorporates the situations into the definition of overaward. An overaward can occur when any amount of a student's need-based aid exceeds the student's need, or when total estimated financial assistance (EFA) exceeds the student's cost of attendance (COA).

REASON FOR CHANGE:
These changes are necessary to clarify the school's responsibility when an overaward is discovered.

PROPOSED LANGUAGE - COMMON MANUAL:
Revise Section 8.6, column 2, paragraph 2, as follows:

An overaward occurs when a student receives financial aid in excess of the student's financial need or when a student's estimated financial assistance exceeds the cost of attendance. This often happens when a student receives additional financial assistance after the initial awarding process, which may include financial assistance other than Title IV funds (e.g., a scholarship or an alternative loan), or the student's expected family contribution (EFC) increases, which. Either of these occurrences may result in a reduction of the student's borrower's eligibility for any previously certified Stafford or Grad PLUS loan. Up to \$300 of Federal Work-Study earnings are excluded from the determination of an overaward. If a school determines an overaward exists, it must contact the lender or guarantor promptly to request an adjustment to the amount of each remaining loan disbursement. If the school has delivered all loan disbursements to the student before the overaward occurs, no adjustment to the loan amount(s) is required. However, the school may need to adjust campus-based aid, as appropriate, to offset the student's receipt of excess Title IV funds.
[\$682.604(h); 09-10 FSA Handbook, Volume 5, Chapter 1 p. 5-3]

...

~~If a school determines that an overaward exists, it must contact the lender or guarantor promptly to request an adjustment to the amount of each remaining disbursement. If all disbursements of the loan have been delivered to the student before the overaward occurs, no adjustment is required under current federal regulations. However, the school may adjust campus-based aid, as appropriate, to offset the student's receipt of Title IV funds.~~
~~[\$682.604(h)]~~

Revise Appendix G, page 16, column 2, paragraph 6, as follows:

Overaward: Any amount of a student's ~~total estimated financial assistance (excluding Pell grants)~~ need-based aid that exceeds the student's financial need, ~~or when the total EFA exceeds the student's COA.~~ A Pell Grant may exceed the student's need and/or COA without creating an overaward. See Section 8.6.

PROPOSED LANGUAGE - COMMON BULLETIN:

Managing Overawards

The *Common Manual* has been updated to clarify that schools which determine an overaward exists must contact the lender or guarantor to request an adjustment of any remaining loan disbursements. If the school has delivered all loan disbursements to the student prior to the overaward, no adjustment to the loan amount(s) is required. However, the school may need to adjust campus-based aid to offset the borrower's overaward.

The *Common Manual's* definition of an overaward has been updated to distinguish that an overaward occurs when any amount of a student's need-based aid exceeds the student's need, or when total estimated financial assistance (EFA) exceeds the student's cost of attendance (COA).

GUARANTOR COMMENTS:

None.

IMPLICATIONS:

Borrower:

None.

School:

None.

Lender/Service:

None.

Guarantor:

None.

U.S. Department of Education:

None.

To be completed by the Policy Committee

POLICY CHANGE PROPOSED BY:

TG

DATE SUBMITTED TO CM POLICY COMMITTEE:

February 28, 2007

DATE SUBMITTED TO CM GOVERNING BOARD FOR APPROVAL:

PROPOSAL DISTRIBUTED TO:

CM Policy Committee

CM Guarantor Designees

Interested Industry Groups and Others

bmf/edited-rrl